

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST
63-32703

RECEIVED

OCT 21 2010

DEPARTMENT OF
WATER RESOURCES

October 21, 2010

1. Matter being protested

Amended Application for Permit No. 63-32703 for Orchard Ranch LLC.

2. Name of protestant

United States Department of the Interior
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

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OCT 29 2010

WATER RESOURCES
WESTERN REGION

3. Protestant's Representative for service (if different than protestant)

Fredric W. Price (contact person)

4. Service mailing address

same as above

5. Service telephone no.

(208) 373-3831

6. Basis of protest (including statement of facts and law upon which the protest is based).

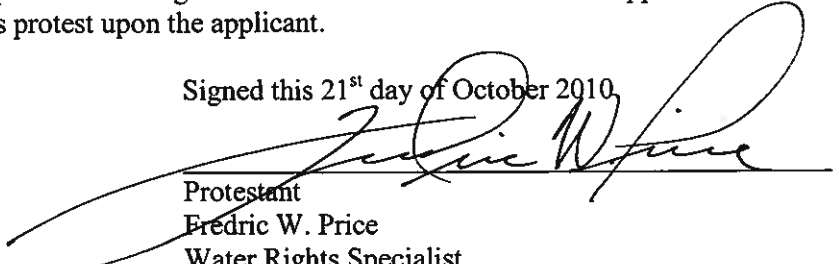
There is no evidence that Orchard Ranch LLC is authorized to use the federal public land described in the Application for Permit for any purposes within Places of Use described as the SWNE, S24, T01S, R03E.

7. What would resolve your protest?

- 1) Amend the application for permit to exclude federal public land from the place of use and shapefile descriptions.

I hereby, acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 21st day of October 2010.


Protestant
Fredric W. Price
Water Rights Specialist

Attachments:

◆Master Title Plat: T01S, R03E and T01S, R04E.

◆Amended Application for Permit No. 63-32703 for Orchard Ranch LLC form #202 submitted by applicant to IDWR for Water Right Report dated September 27, 2010.

◆IDWR's representation of Amended Application for Permit No. 63-32703.

FOR DEPARTMENT USE ONLY

Received by SR7 Date 10/21/2010
Fee Paid \$25.00 Date 10/21/2010 Received by SR7 Receipt # C092002

CERTIFICATE OF SERVICE

I certify that on October 21, 2010, I served a true and correct copy of the **"Protest of Amended Application for Permit No. 63-32703"** for Orchard Ranch LLC with enclosures upon the following individuals by placing the documents in the United States mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Jeff Peppersack, Administrator
Idaho Department of Water Resources (IDWR)
Idaho State Office
Water Management Division,
P.O. Box 83720
322 East Front Street
Boise, Idaho 83720-0098

Copies to:

Idaho Department of Water Resources (IDWR)
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Orchard Ranch LLC
2664 Sand Hollow RD
Caldwell, Idaho 83607

James Tarter, NRS - Riparian Specialist
U.S., Department of the Interior,
Bureau of Land Management,
Four Rivers Field Office
3948 Development Avenue
Boise, ID 83705

Effie Schultsmeier, Realty Specialist
U.S., Department of the Interior,
Bureau of Land Management,
Four Rivers Field Office
3948 Development Avenue
Boise, ID 83705

Brandon Anderson
Person Serving Documents (print name)

Signature of Person Serving Documents

ADA COUNTY 001
BOISE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

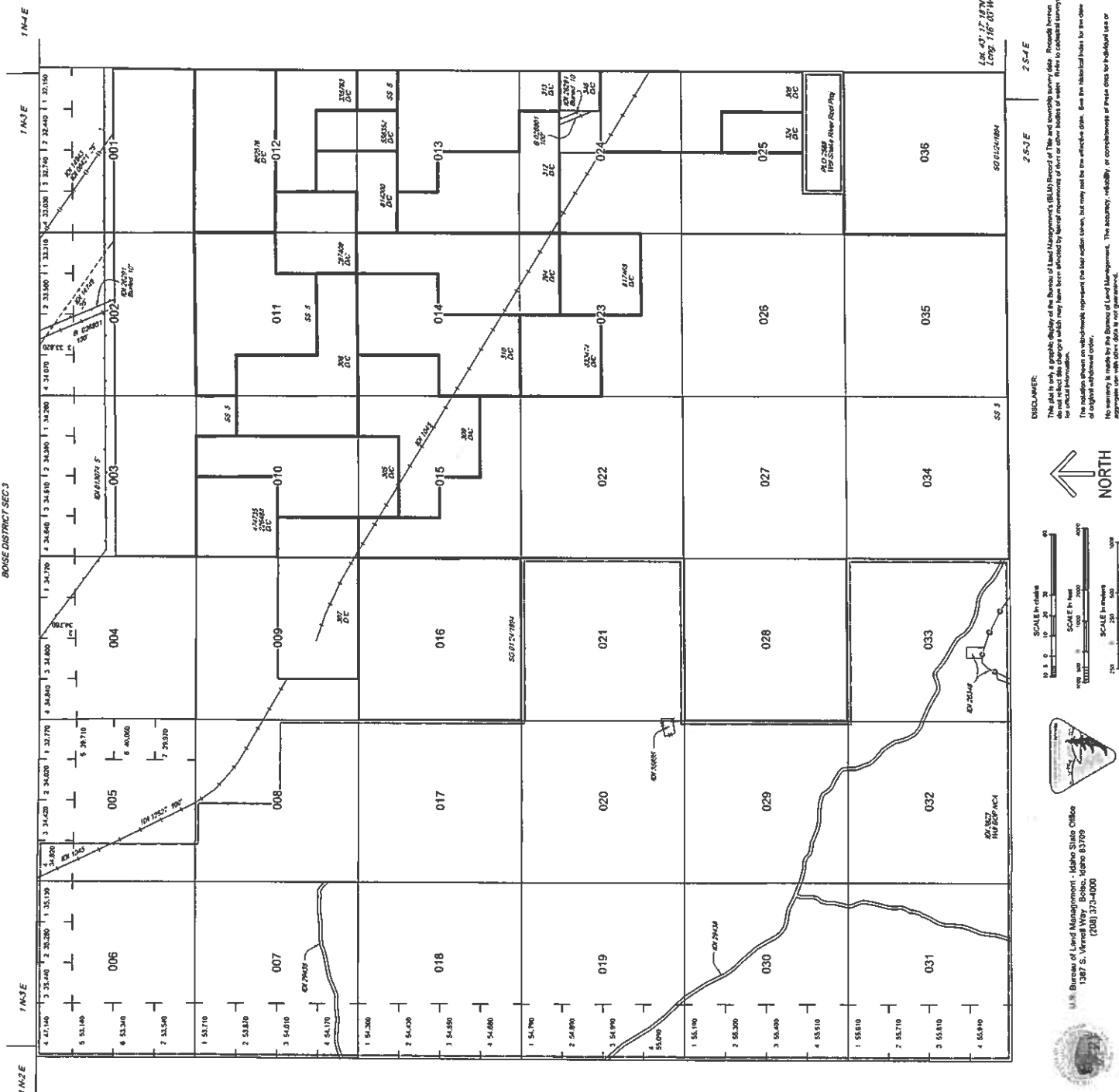
[illegible]

DI19473 MOU

Sec 6	Loas 1,2,3,4,5,6,7	S2NE, S2NW, E3SW, SE
Sec 7	Loas 1,2,3,4	E2W2, E2
Sec 17		
Sec 18	Loas 1,2,3,4	E2W2, E2
Sec 19	Loas 1,2,3,4	E2W2, E2
Sec 20		
Sec 29		
Sec 30	Loas 1,2,3,4	E2W2, E2
Sec 31	Loas 1,2,3,4	E2W2, E2
Sec 32		
Sec 33		

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE #:	IR060811030000EJAH100000.cmg
COMPILED BY:	BW: LPA
LAST UPDATED:	BW: LPA
GAGE ID:	GAGE #2
POSTED TO PUBLIC RECORDS:	September 5, 2009
PUBLIC LAND SURVEY SYSTEM(S)	N/A
BLVD/CORR ACQUIRED:	04/07/2006
OTHER:	N/A
PROJECTED COORDINATE SYSTEM:	UTM ZONE 18N, NAD 83
NOTES:	
USE PLATS:	

T. 1 S
R. 3 E

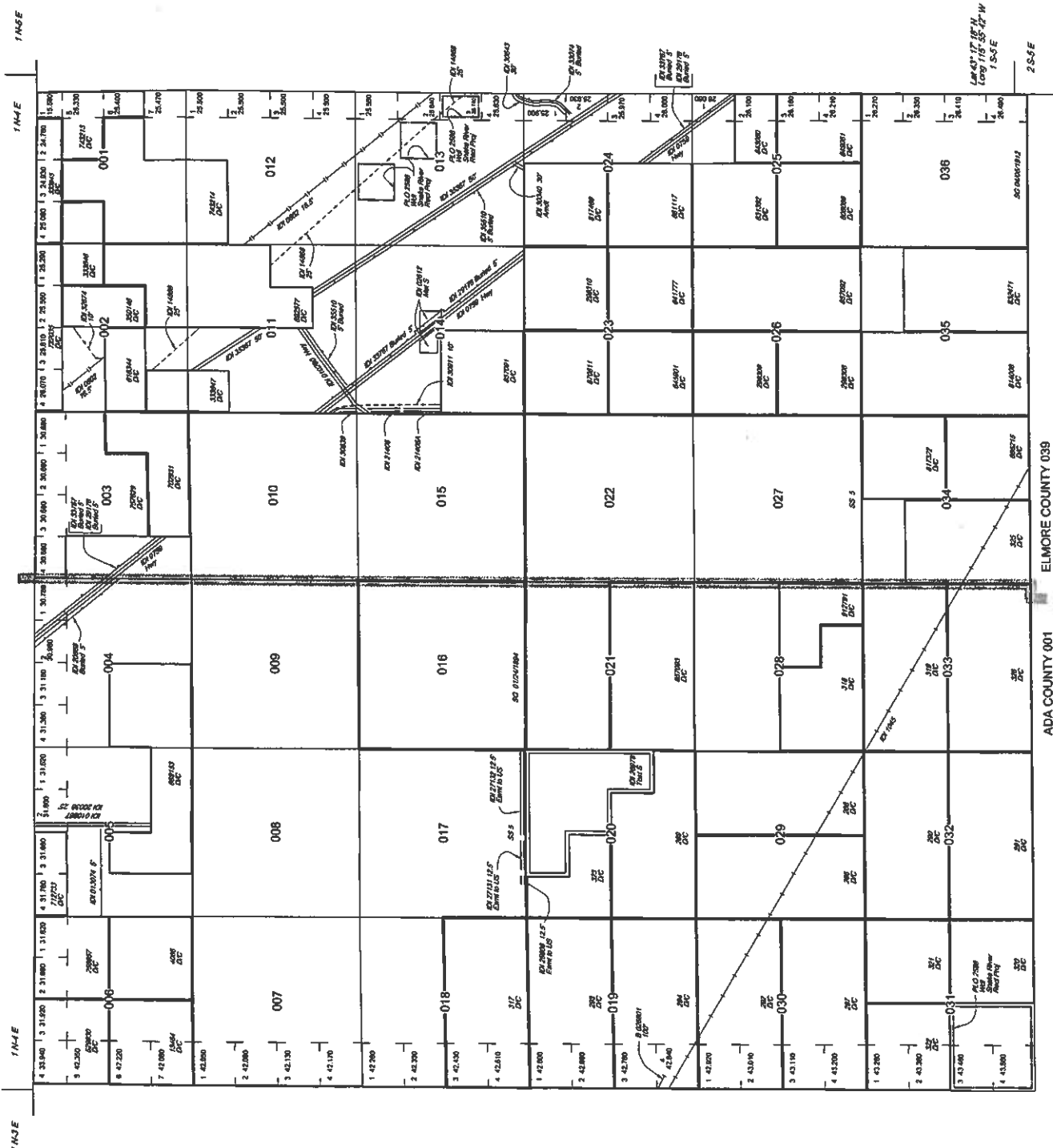
TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE BOISE MERIDIAN, IDAHO

BOOSE DISTRICT SEC 3

9578

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible][illegible]

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000

(208) 373-4000

T. 15
R. 4 E

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 63-32703

SEP 27 2010

Amended **APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION1. Name of applicant(s) Orchard Ranch LLCPhone (520) 424-3600Name connector (check one) ☐ and ☐ or ☐ and/orMailing address: P.O. Box 1260City MaricopaState AZ Zip 85109 85239Email: rknorr@msn.com2. Source of water supply groundwater

which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
1S	3E	9			NE	SE	Ada	groundwater	
		10			SW	SW	Ada	groundwater	
		10			SE	SE	Ada	groundwater	
		15			NW	NE	Ada	groundwater	

4. Water will be used for the following purposes:

Amount 9.6 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 9.6 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. up to 4 wells and pumps to mainlines and pivotsb. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ Noc. Proposed well diameter is 16-20 inches; proposed depth of well is 800-1,200 feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? n/a; drilling firm n/aWell was drilled for (well owner) n/a; Drilling Permit No. n/a

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. n/ab. Stockwatering; list number and kind of livestock. n/ac. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. n/ad. Domestic; show number of households n/ae. Other; describe fully. n/a

8. Description of place of use: See Attachment No. 1

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated: _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None.

10. a. Who owns the property at the point of diversion? Orchard Ranch LLC

b. Who owns the land to be irrigated or place of use? Orchard Ranch LLC

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. The original application sought authorization to develop a public drinking water supply for the planned Orchard Ranch development. Changes in the local economy require the proposed amendment to provide for land development for agricultural use. Agricultural use will be developed on a specific 480-acre place of use at the time of irrigation system installation. The purpose of the request for a permissible place of use permit is to allow flexibility in the development of the irrigation system.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Robert Knorr for Orchard Ranch LLC

Signature of Applicant

Signature of Applicant

Robert Knorr, Managing member

Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by SB

Date 9.27.10

Time 1:10 PM

Preliminary check by SL

Fee \$ 610

Received by C084392

Receipt No. 7

Date 6/21/07

per original

ATTACHMENT 1
 AMENDED APPLICATION FOR PERMIT NO. 63-32703
 ITEM 8 -DESCRIPTION OF PLACE OF USE

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	3E	9									18				40	38	3.8	26	125.8
		10			40						40	40	40	40		40	40	40	320.0
		11											40	40			40		120.0
		12									40			40	40	40	40	40	240.0
		13		40	40		37		40	34	34	40	40	40	40	40	34	40	499.0
		14	40	40	40	40	40	40	40	40	40	23		7	40	40	30	40	540.0
		15	40	40	17	37	33			.5									167.5
		23	13																13.0
		24	40	34	4	35	40								21	5			175.4
1S	4E	19	40	40	40	40	40	42 L1	42 L2	40									324.0
		20											40						40.0
		29			40		40	40	27	40									187.0

Total Acres (for irrigation use) 480 acres within a 2,751.7-acre permissible place of use



Water Right Report

[Close](#)

10/21/2010

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report

WATER RIGHT NO. 63-32703

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ORCHARD RANCH LLC PO BOX 1260 MARICOPA, AZ 85239 (520)424-3600
Attorney	BARKER ROSHOLT & SIMPSON LLP ATTN: NORMAN M SEMANKO PO BOX 2139 BOISE , ID 83701-2139 (208) 863-7921

Priority Date: 06/21/2007

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	9.6 CFS	
Total Diversion			9.6 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESE	Sec. 09	Township 01S	Range 03E	ADA County
GROUND WATER	SWSW	Sec. 10	Township 01S	Range 03E	ADA County
GROUND WATER	SESE	Sec. 10	Township 01S	Range 03E	ADA County
GROUND WATER	NWNE	Sec. 15	Township 01S	Range 03E	ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	03E	9		NESW	18									
				NESE	40		NWSE	38		SWSE	3.8		SESE	26
		10		SWNE	40									
				NESW	40		NWSW	40		SWSW	40		SESW	40
		11		NWSE	40		SWSE	40		SESE	40			
				SWSW	40		SESW	40						
		12		SWSE	40									
				NESW	40		SESW	40						
		13		NESE	40		NWSE	40		SWSE	40		SESE	40
				NWNE	40		SWNE	40						
		14		NENW	37		SWNW	40		SENE	34			
				NESW	34		NWSW	40		SWSW	40		SESW	40
		15		NESE	40		NWSE	40		SWSE	34		SESE	40
				NENE	40		NWNE	40		SWNE	40		SENE	40
		23		NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	23		SESW	7			
		24		NESE	40		NWSE	40		SWSE	30		SESE	40
				NENE	40		NWNE	40		SWNE	17		SENE	37
		29		NENW	33		SENE	0.5						
				NENE	13									
	04E	19		NENE	40		NWNE	34		SWNE	0.4		SENE	35
				NENW	40									
		20		NESE	21		NWSE	5						
				NENE	40		NWNE	40		SWNE	40		SENE	40
		29		NENW	40	1	NWNW	42	2	SWNW	42		SENE	40
				SWSW	40									
				SWNE	40									
				NENW	40		NWNW	40		SWNW	27		SENE	40

Total Acres: 2751.7

Dates:

Date Application Received: 06/21/2007

Date Application Denied:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date: 11/8/2010

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Application Type: New Appropriation

Applicant Remarks: See 9/27/2010 amended application for change from municipal use to 480 acres irrigation in PPOU.

Other Water Rights: none

Time to Complete Works: 5

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False